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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,173	11/12/2003	Amit Shachak	1005-04-01 USP	6121

42698 7590 08/13/2009  
CENTURY IP GROUP, INC. [Main]  
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EXAMINER
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FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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08/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/706,173	<b>Applicant(s)</b> SHACHAK, AMIT	
	<b>Examiner</b> Marisol Figueroa	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,7,8,10-13 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,8,10-13 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/30/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 06/30/2009 have been fully considered but they are not persuasive.

**With respect to the 103 rejections of claims 1, 3, 11, 13, 21, and 23, the Applicant argues that:**

“the modifications proposed by the Examiner are not based on any clear and convincing evidence of a reason or suggestion that would have motivated a person of ordinary skill in the art to combine the cited references. As such, the modifications proposed by the Examiner are simply impermissible hindsight reconstruction given the benefit of Applicant's disclosure. The Federal Circuit has consistently held that hindsight reconstruction does not constitute a prima facie case of obviousness under 35 U.S.C. §103. *In re Geiger*, 2 USPQ 2d 1276 (Fed Cir. 1987).

Unfortunately, the Examiner, rather than pointing to what the prior art discloses or suggests, relies on assumptions and statements without any support in the record. Consequently, the Examiner's statements regarding obviousness and motivation to combine are but shortcuts to a conclusion of obviousness devoid of the required analytical approach based on what is actually disclosed or suggested in the prior art.

Reliance on impermissible hindsight to avoid express limitations in the claims and setting forth unsupported hypothetical teachings to recreate the Applicant's claimed subject matter cannot establish a prima facie case of obviousness. Applicant respectfully invites the Examiner to point out the alleged motivation to combine with specificity,<sup>3</sup> or, alternatively, provide a reference or affidavit in support thereof, pursuant to MPEP §2144.03.4” (see pages 10-11 of Applicant's arguments).

The Examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, **it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning.** But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Furthermore, regarding the applicant's request for support of the motivation to combine the references, Childs (US 2002/0107868) teaches on paragraph [0018], lines 28-35 the obviousness of the features of "verifying data for consistency" (claim 1, lines 10-16). Childs teaches a system that stores data in a server, the server receives the data and checks whether the data is valid or invalid (i.e., check for consistency), if valid the data is stored otherwise an error message is returned in order to correct the error. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Roth to include "verifying the data for consistency before storing in the database", as suggested by Childs, in order to assure the quality of the data that is stored in the database (i.e., no errors).

In addition Staas teaches a technique to determine whether the data is valid or invalid by comparing data to a range of values (see col. 6, lines 3-7). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination of Roth and Childs and include determining the validity of the

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data by comparing the data with a range of values, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

**With respect to the 112 rejections of claims 1-3, 7, 8, 10-13, and 18-24,** the rejections have been withdrawn in view of the support provided by the applicant in the arguments.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3, 11, 13, 21, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH et al. (US 2005/0164692) in views of YAMADERA et al. (US 2002/0123368), CHILDS et al. (US 2002/0107868) and STAAS, Jr. et al. (US 5,125,091).

**Regarding claim 1,** Roth discloses a method of updating database records in a mobile communication network, the method comprising:

determining whether a user has modified configuration data stored in a memory of a mobile device by comparing one or more values entered by the user with the configuration data (paragraphs [0005], [0006], [0008], [0017], and [0018]); and

transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user (paragraphs [0005], [0008]-

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lines 1-11, and [0021]; the mobile device detects whether the user-configurable customization has changed since an earlier time, and for all the application for which the user has changed the configuration since said earlier time, wirelessly transmitting those changes to a remote server (i.e., database));

wherein the database is updated by replacing at least one record in the database based on the configuration data (paragraph [0021]; the updated information is stored in the remote server (i.e., database)), such that the configuration data is made available to a service representative for trouble shooting purposes (the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as “statements of intended use” (i.e., “such that”, “for trouble shooting purposes”; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

Roth does not particularly disclose wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the mobile device.

However, Yamadera teaches entering configuration values by the user through interaction with one or more configuration menus of a user interface of a mobile device (paragraphs [0002]-[0004]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Roth to include the features of wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the mobile device, as suggested by Yamadera,

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since such a modification would facilitate the user-customization of the mobile device configuration.

But, the combination of Roth and Yamadera does not particularly disclose wherein the configuration data is compared with the respective records of the database for consistency, wherein the configuration data is compared to a range of values to determine whether the configuration data transmitted to the server system is valid, in response to determining that the respective records of the database are inconsistent with the configuration data, wherein an alert is generated, in response to determining that the configuration data is outside the range of values.

However, Childs teaches checking data transmitted to a server for storage in a database for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. “RAM data”, from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data (i.e., check for consistency), if valid, automatically stores the data in a database, but when the data is invalid the server computer sends an error message (i.e., alert) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the step of checking data transmitted (i.e., configuration data) to a server for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid, as suggested by Childs, in order to correct errors in

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the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

And, Staas comparing data to a range of values to determine whether the data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with a range of values to determine whether the data is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

**Regarding claim 3**, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, in addition Roth discloses further comprising: transmitting the configuration data to the server system within a predetermined time period, when it is determined that the configuration data is modified in the mobile device (paragraphs [0005]-[0006], [0008]-lines 1-18).

**Regarding claim 11**, Roth discloses a system of updating database records in a mobile

communication network, the system comprising:

a comparator for determining whether a user has modified configuration data stored in a memory of a mobile device by comparing one or more values entered by the user with the configuration data (paragraphs [0005], [0006], [0008], [0017], and [0018]; the comparator is inherent since there is a detection of changes in the user-configurable applications); and



a transmitter for transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user (paragraphs [0005], [0008]-lines 1-11, and [0021]; the mobile device detects whether the user-configurable customization has changed since an earlier time, and for all the application for which the user has changed the configuration since said earlier time, wirelessly transmitting those changes to a remote server (i.e., database));

wherein the database is updated by replacing at least one record in the database based on the configuration data (paragraph [0021]; the updated information is stored in the remote server (i.e., database)), such that the configuration data is made available to a service representative for trouble shooting purposes (the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as “statements of intended use” (i.e., “such that”, “for trouble shooting purposes”; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

Roth does not particularly disclose wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the mobile device.

However, Yamadera teaches entering configuration values by the user through interaction with one or more configuration menus of a user interface of a mobile device (paragraphs [0002]-[0004]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Roth to include the features

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of wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the mobile device, as suggested by Yamadera, since such a modification would facilitate the user-customization of the mobile device configuration.

But, the combination of Roth and Yamadera does not particularly disclose wherein the configuration data is compared with the respective records of the database for consistency, wherein the configuration data is compared to a range of values to determine whether the configuration data transmitted to the server system is valid, in response to determining that the respective records of the database are inconsistent with the configuration data, wherein an alert is generated, in response to determining that the configuration data is outside the range of values.

However, Childs teaches checking data transmitted to a server for storage in a database for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. “RAM data”, from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data (i.e., check for consistency), if valid, automatically stores the data in a database, but when the data is invalid the server computer sends an error message (i.e., alert) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the step of checking data transmitted (i.e., configuration data) to a

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server for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid, as suggested by Childs, in order to correct errors in the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

And, Staas comparing data to a range of values to determine whether the data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with a range of values to determine whether the data is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

**Regarding claim 13**, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, in addition Roth discloses wherein the transmitter transmits the configuration data to the server system within a predetermined time period, when it is determined that the configuration data is modified in the mobile device (paragraphs [0005]-[0006], [0008]-lines 1-18).

**Regarding claim 21**, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, in addition Roth discloses wherein the configuration data comprises at least one of user related information, ring tones, display color, contact information, calendar items. and user preferences (Abstract; paragraphs [0005]-[0006]).

**Regarding claim 23**, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, in addition Roth discloses wherein the configuration data

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comprises at least one of user related information, ring tones, display color, contact information, calendar items. and user preferences (Abstract; paragraphs [0005]-[0006]).

5. **Claims 22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and LEVIN et al. (US 2002/0128908).

**Regarding claim 22**, the combination of Roth, Yamadera, Childs, and Staas, disclose the system of claim 11, but the combination does not particularly disclose further comprising determining a user profile for research or marketing purposes, wherein the profile is determined with the user's permission.

However, Levin teaches determining a user profile for research or marketing purposes, wherein the profile is determined with the user's permission (Abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to further include the step of determining a user profile for research or marketing purposes, wherein the profile is determined with the user's permission, as suggested by Levin, in order to precisely direct marketing campaigns to receptive audiences.

**Regarding claim 24**, the combination of Roth, Yamadera, Childs, and Staas, disclose the method of claim 1, but the combination does not particularly disclose further comprising determining a user profile for research or marketing purposes, wherein the profile is determined with the user's permission.

However, Levin teaches determining a user profile for research or marketing purposes, wherein the profile is determined with the user's permission (Abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the

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time of the invention, to modify the combination to further include the step of determining a user profile for research or marketing purposes, wherein the profile is determined with the user's permission, as suggested by Levin, in order to precisely direct marketing campaigns to receptive audiences.

6. **Claims 7 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and BARTELS et al. (US 2003/0208704).

**Regarding claim 7**, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, but the combination does not particularly disclose further comprising: wherein the configuration data is corrected automatically by the mobile device or server system or in conjunction with a human operator, in response to determining the configuration data is outside the range of values.

However, Bartels teaches automatically correcting data if invalid (paragraphs [0014], [0020]; Bartels teaches a computer systems that includes an error detector for detecting errors or corruptions in data stored (i.e., invalid) and is capable of automatically correct the errors without user intervention). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of automatically correcting the configuration data when invalid, as suggested by Bartels, since such a modification would allow the system to correct the configuration data without user intervention and therefore, reduce the time it takes to correct the errors in data.

**Regarding claim 18**, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, but the combination does not particularly disclose further

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comprising: wherein the configuration data is corrected automatically by the mobile device or server system or in conjunction with a human operator, in response to determining the configuration data is outside the range of values.

However, Bartels teaches automatically correcting data if invalid (paragraphs [0014], [0020]; Bartels teaches a computer systems that includes an error detector for detecting errors or corruptions in data stored (i.e., invalid) and is capable of automatically correct the errors without user intervention). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of automatically correcting the configuration data when invalid, as suggested by Bartels, since such a modification would allow the system to correct the configuration data without user intervention and therefore, reduce the time it takes to correct the errors in data.

7. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and MACALUSO (US 2005/0079863).

**Regarding claim 10**, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, but the combination does not particularly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information.

However, Macaluso discloses configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short

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messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information (Abstract; paragraphs [0039]-[0040]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein the configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information, as suggested by Macaluso, since these are standard configuration parameters on mobile phones.

**Regarding claim 20**, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, but the combination does not particularly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information.

However, Macaluso discloses configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information (Abstract; paragraphs [0039]-[0040]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein the configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC),

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system identification code (SID), system dependent information, and communication environment dependent information, as suggested by Macaluso, since these are standard configuration parameters on mobile phones.

8. **Claims 8 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and ROBERTS et al. (US 2005/0073991).

**Regarding claim 8**, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, but the combination does not particularly disclose wherein the configuration data is re-entered or restored to default or previous values.

However, Roberts teaches restoring configuration data to default values (paragraph [0025]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of restoring configuration data to default values, as suggested by Roberts, since such a modification would allow the user to reset the mobile device to its original settings.

**Regarding claim 19**, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, but the combination does not particularly disclose wherein the configuration data is re-entered or restored to default or previous values.

However, Roberts teaches restoring configuration data to default values (paragraph [0025]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of restoring configuration data to default values, as suggested by Roberts, since



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such a modification would allow the user to reset the mobile device to its original settings.

9. **Claims 2 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and OKKONEN et al. (US 2004/0166839).

**Regarding claim 2**, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, but the combination does not particularly disclose transmitting the configuration data to the server in real time.

However, Okkonen teaches transmitting configuration data to a server in real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in the SIM card information, when a change is detected, the SIM card change information is immediately (i.e., real time) communicated to the server). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

**Regarding claim 12**, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, but the combination does not particularly disclose transmitting the configuration data to the server in real time.

However, Okkonen teaches transmitting configuration data to a server in real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in the SIM card information, when a change is detected, the SIM card change information is immediately (i.e., real time) communicated to the server). Therefore, it would have been

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obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

### ***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-

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7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Marisol Figueroa/

Examiner, Art Unit 2617